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EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,278	COULOMBE, STEPHANE	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Request for Continued Examination (RCE) filed August 18, 2005.

2. Claims 1-15 and 17-28 have been amended and new claims 29 and 30 have been added.

3. Claims 1-30 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-15 and 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al. (US 2002/0016818 A1) in view of Beyda (US 5,870,610 A).

INDEPENDENT:

As per **claim 1**, Kirani teaches a method, comprising the steps of: evaluating by the multimedia messaging service center whether it is appropriate to adapt originally unsupported components of a multimedia message to meet capabilities of a receiving terminal before providing said multimedia message to said receiving terminal *(see page 3, [0036]: "built-in intelligence for filtering... according to the capabilities of a particular recipient device type"; [0038]: "a delivery server can determine the capabilities of a particular recipient's device type..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*, and if said adaptation is not enough for supporting all of said unsupported components using said capabilities, identifying an Internet server location for rendering unadopted components of said originally unsupported components by said receiving terminal (see page 3, [0037]: "the recipient may receive a link (e.g., URL), that references the storage address in the network repository, for the ... attachment"); providing a multimedia messaging service signal *(see page 1, [0004]: "present invention relates to the field of media processing and... transferring and displaying multimedia data on various types of devices")* incorporating a further multimedia message signal (FMMS) indicative of said multimedia message and a URL signal from a multimedia messaging service center to said receiving terminal *(see page 2, [0029]; page 3, [0037]: "may receive a link (e.g., URL)"; page 5, [0064]: "replace the attachment in the e-mail's message (body) with a link (e.g., URL)"; and page 8, [0103])*, said URL signal providing said Internet server location to the receiving terminal for said rendering of said unadopted components of

the multimedia message by the receiving terminal *(see page 5, [0067]: "To retrieve the attachment, the recipient can click on the link or URL accompanying the message..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*.

Although Kirani teaches of a URL signal providing to the receiving terminal an Internet server location for rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server location comprises a software obtainable by the receiving terminal; and providing the software to the receiving terminal for rendering. Beyda teaches of software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 19**, Kirani teaches a system, comprising: a multimedia messaging service center *(see Fig.3)*, for evaluating whether it is appropriate to adapt originally unsupported components of a multimedia message to meet capabilities of a receiving terminal before providing said multimedia message to said receiving terminal *(see page 3, [0036]: "built-in intelligence for filtering... according to the capabilities of a particular recipient device type"; [0038]: "a delivery server can determine the capabilities of a particular recipient's device type..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*, and if said adaptation is not enough for supporting all of said unsupported components using said capabilities, identifying an Internet server location for rendering unadopted components of said originally unsupported components by said receiving terminal (see page 3, [0037]: "the recipient may receive a link (e.g., URL), that references the storage address in the network repository, for the ... attachment"); providing a multimedia messaging service signal *(see page 1, [0004]: "present invention relates to the field of media processing and... transferring and displaying multimedia data on various types of devices")* incorporating a further multimedia message signal (FMMS) indicative of said multimedia message and a URL signal, said URL signal providing said Internet server location to the receiving terminal for said rendering of said unadopted components of the multimedia message by the receiving terminal *(see page 5, [0067]: "To retrieve the attachment, the recipient can click on the link or URL accompanying the message...";*

and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing").

Although Kirani teaches of a URL signal providing to the receiving terminal an Internet server location for rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server location comprises a software obtainable by the receiving terminal; and providing the software to the receiving terminal for rendering. Beyda teaches of software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia system because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 27**, Kirani teaches a multimedia messaging service center *(see Fig.3)*, comprising: a database for identifying uniform resource locators (URLs) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*; means for evaluating whether it is appropriate to adapt originally unsupported components of a multimedia message to meet capabilities of a receiving terminal before providing said multimedia message to said receiving terminal *(see page 3, [0036]: "built-in intelligence for filtering... according to the capabilities of a particular recipient device type"; [0038]: "a delivery server can determine the capabilities of a particular recipient's device type..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*, and if said adaptation is not enough for supporting all of said unsupported components using said capabilities, identifying an Internet server location for rendering unadopted components of said originally unsupported components by said receiving terminal (see page 3, [0037]: "the recipient may receive a link (e.g., URL), that references the storage address in the network repository, for the ... attachment"); and means for providing a multimedia messaging service signal *(see page 1, [0004]: "present invention relates to the field of media processing and... transferring and displaying multimedia data on various types of devices")* incorporating a further multimedia message signal (FMMS) indicative of said multimedia message and a URL signal, said URL signal providing said Internet server location to the receiving terminal for said rendering of said unadopted components of the multimedia message by the receiving terminal *(see page 5, [0067]: "To retrieve the*

attachment, the recipient can click on the link or URL accompanying the message..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing").

Although Kirani teaches of a URL signal providing to the receiving terminal an Internet server location for rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server location comprises a software obtainable by the receiving terminal; and providing the software to the receiving terminal for rendering. Beyda teaches of software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia messaging service center system because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 28**, Kirani teaches a receiving terminal *(see Fig.3)*, comprising: means responsive to the (a) multimedia message service signal *(see page 1, [0004]: "present invention relates to the field of media processing and... transferring and displaying multimedia data on various types of devices")* incorporating a further multimedia message signal (FMMS) indicative of a (said) multimedia message and a URL signal, said URL signal providing an Internet server location to the receiving terminal *(see page 5, [0067]: "URL accompanying the message...")*; and means for sending request signal to the Internet server location provided by the URL signal *(see page 5, [0067]: "To retrieve the attachment, the recipient can click on the link or URL accompanying the message..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*, wherein the Internet server location is needed for rendering unadopted components of an originally unsupported component of a multimedia message by said receiving terminal (see page 3, [0037]: "the recipient may receive a link (e.g., URL), that references the storage address in the network repository, for the ... attachment"), wherein prior to providing said URL signal, it is evaluated whether it is appropriate to adapt originally unsupported components of a multimedia message to meet capabilities of a receiving terminal before providing said multimedia message to said receiving terminal *(see page 3, [0036]: "built-in intelligence for filtering... according to the capabilities of a particular recipient device type"; [0038]: "a delivery server can determine the capabilities of a particular recipient's device type..."; and page 8, [0102]: "media converter 450 component serves... to*

determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing"), and if said adaptation is not enough for supporting all of said unsupported components using said capabilities, said an Internet server location is identified for rendering said unadopted components of said originally unsupported components by said receiving terminal.

Although Kirani teaches of a URL signal providing to the receiving terminal an Internet server location for rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server location comprises a software obtainable by the receiving terminal; and providing the software to the receiving terminal for rendering. Beyda teaches of software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 29**, Kirani teaches a method, comprising the steps of: evaluating whether it is appropriate to adapt originally unsupported components of a multimedia message to meet capabilities of a receiving terminal before providing said multimedia message to said receiving terminal *(see page 3, [0036]: "built-in intelligence for filtering... according to the capabilities of a particular recipient device type"; [0038]: "a delivery server can determine the capabilities of a particular recipient's device type..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")* and, if said adaptation is not enough for supporting all of said unsupported components using said capabilities, identifying an Internet server location for rendering unadopted components of said originally unsupported components by said receiving terminal (see page 3, [0037]: "the recipient may receive a link (e.g., URL), that references the storage address in the network repository, for the ... attachment"); providing a multimedia messaging service signal *(see page 1, [0004]: "present invention relates to the field of media processing and... transferring and displaying multimedia data on various types of devices")* incorporating a further multimedia message signal (FMMS) indicative of said multimedia message and a URL signal to said receiving terminal *(see page 2, [0029]; page 3, [0037]: "may receive a link (e.g., URL)"; page 5, [0064]: "replace the attachment in the e-mail's message (body) with a link (e.g., URL)"; and page 8, [0103])*, said URL signal providing said Internet server location to the receiving terminal for said rendering of said unadopted

components of the multimedia message by the receiving terminal *(see page 5, [0067]: "To retrieve the attachment, the recipient can click on the link or URL accompanying the message..."; and page 8, [0102]: "media converter 450 component serves... to determine whether the recipient has any device-type specifications of the format, that may be required for appropriate rendering/processing")*.

Although Kirani teaches of a URL signal providing to the receiving terminal an Internet server location for rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server location comprises a software obtainable by the receiving terminal; and providing the software to the receiving terminal for rendering. Beyda teaches of software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

DEPENDENT:

As per **claim 2**, Kirani and Beyda further teach wherein the software is provided to the receiving terminal in response to a software request signal sent by the receiving terminal *(see Beyda: col.4, lines 20-24)* to the Internet server location provided by the URL signal *(see all independent claims above)*.

As per **claim 3**, Kirani and Beyda further teach wherein the software request signal is sent by the receiving terminal to the Internet server location provided by the URL signal only after receiving a software request command from a user *(see Beyda: col.4, lines 17-24)*.

As per **claim 4**, Kirani and Beyda further teach wherein the software request signal is sent by the receiving terminal to the Internet server location provided by the URL signal automatically after receiving the multimedia messaging service signal incorporating the URL signal *(see Beyda: abstract and col.4, lines 24-27)*.

As per **claim 5**, Kirani and Beyda teach of further comprising the step of: deciding whether additional software is needed to be installed in the receiving terminal for rendering said unadopted component of said originally unsupported components of said multimedia message by the receiving terminal *(implicit: see Beyda: col.4, lines 17-24)*.

As per **claim 6**, Kirani and Beyda further teach wherein said decision is made by the user *(see claim 3 rejection above)*.

As per **claim 7**, Kirani and Beyda further teach wherein said decision is made automatically by the receiving terminal *(see claim 4 rejection above)*.

As per **claim 8**, Kirani teaches of further comprising the step of: rendering the further multimedia message signal indicative of the multimedia message by the receiving terminal, so that the multimedia message is perceptible by a user *(see page 8, [0102])*.

As per **claim 9**, Kirani teaches of prior to the step of providing the multimedia messaging service signal, further comprising the step of: receiving and optionally storing a multimedia message signal comprising said multimedia message by the multimedia messaging service center *(see page 3, [0040]; page 5, [0064]; and page 8, [101], [102], [103])*.

As per **claims 10 and 21**, Kirani teaches of further comprising the steps of: providing optionally a message notification signal to the receiving terminal by the multimedia messaging service center *(implicit: see abstract: "e-mail system")*; and providing a message retrieval request signal containing a terminal signal indicative of a terminal information and optionally a multipurpose Internet mail extension (MIME) signal indicative of a terminal-specific MIME information *(see page 2, [0017] and page 17, [0116])* to the multimedia messaging service center by the receiving terminal *(implicit: see abstract: "e-mail system")*.

As per **claims 11 and 23**, Kirani further teaches wherein the message retrieval request signal by the receiving terminal, is sent in response to the message notification signal *(implicit: see abstract: "e-mail system")*.

As per **claim 12**, Kirani and Beyda further teach wherein said step evaluating and identifying is performed using the terminal *(see claim 1 rejection above)* and MIME signals *(see col.2, [0017] and page 17, [0116])* using a database of the multimedia messaging service center *(see page 3, [0038], [0039] and page 6, [0076])*.

As per **claim 13**, Kirani teaches of further comprising the step of: adapting by the multimedia messaging service center the appropriate unsupported components of the MMS to meet the capabilities of the receiving terminal *(see page 3, [0037])*.

As per **claims 14 and 17**, Kirani and Beyda further teaches wherein the MIME information *(see page 2, [0017] and page 17, [0116])* is deduced by the multimedia messaging service center from the terminal information contained in the message retrieval request signal (see page 3, [0038]) and from software release information *(see Beyda: col.2, lines 26-29 and col.3, lines 18-23)*.

As per **claim 15**, Kirani further teaches wherein a terminal signal indicative of terminal information is provided to the multimedia messaging service center during a registration process of a particular application *(see page 6, [0070], [0076])*.

As per **claims 18 and 25**, Kirani further teaches wherein the further multimedia message signal is the same as the multimedia message signal and all said unadopted components are said originally unsupported components *(implicit: in instances where compatibility is not an issue; and see page 3, [0037]: "The recipient may receive a link (e.g., URL), that references the storage address in the repository, for the original (e.g., full-resolution) attachment for subsequent accessing")*.

As per **claim 20**, Kirani further teaches wherein the multimedia messaging service center is further responsive to a multimedia message signal indicative of the multimedia message *(see page 1, [0004], [0006] and pages 2-3, [0036])* and to a message retrieval request signal containing a terminal signal indicative of a terminal information *(see page 3, [0038])* and optionally a multipurpose Internet mail extensions (MIME) signal indicative of a terminal-specific MIME information *(see col.2, [0017] and page 17, [0116])*.

As per **claim 22**, Kirani and Beyda further teaches wherein the receiving terminal is responsive to a software request command by a user *(see Beyda: col.4, lines 20-24)*, for providing a message retrieval request signal containing a terminal signal indicative of terminal information *(see page 3, [0038])* and optionally a multipurpose Internet mail extensions (MIME) signal indicative of a terminal-specific MIME information *(see col.2, [0017] and page 17, [0116])*, for providing a software request signal to the Internet server *(see Beyda: col.4, lines 20-24)*, for providing a URL image signal to the user *(see page 7, [0095])*, and for rendering the further multimedia message signal indicative of the multimedia message perceptible by the user *(see page 3, [0037] , [0040])*.

As per **claim 24**, Kirani teaches of further comprising a sending terminal, for providing a multimedia message signal to the multimedia messaging service center *(see Fig.3: #300)*.

As per **claim 26**, Kirani further teaches of a computer program for storage on a computer readable medium for executing the steps of claim 1 *(see Fig.2)*.

As per **claim 30**, Kirani further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor with said computer program code characterized in that it includes instructions for performing the steps of the method of claim 29 indicated as being performed by any component of the receiving terminal *(see Fig.2).*

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al. (US 2002/0016818 A1) and Beyda (US 5,870,610 A), further in view of Sollee et al. (US 6,757,732 B1).

As per **claim 16**, Kirani and Beyda teach all the limitations of except wherein the particular application is a session initiation protocol (SIP) instant messaging or SIP messaging session.

Sollee teaches wherein the particular application is a session initiation protocol (SIP) instant messaging or SIP messaging session *(see abstract)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sollee within the system of Kirani and Beyda by implementing session initiation protocol (SIP) instant messaging or SIP messaging session within the multimedia method because Sollee teaches that by implementing SIP, data can be transferred in real-time *(see col.3, line 66 to col.4, line 3)* and also teaches that by implementing SIP, the deficiencies are overcome *(see col.4, lines 21-36)*.

Response to Arguments

6. Applicant's arguments filed August 18, 2005 have been fully considered but they are not persuasive. The responses to the remarks are recited below.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kirani teaches all the limitations of the claimed invention including the element of rendering a multimedia message via a URL wherein the message is retrieved from a remote location. Kirani however does not teach of "software" employed for rendering. It is clearly obvious to a person of ordinary skill in the art to employ the teaching of Beyda, who teaches the missing element, because Kirani explicitly recite "One or more application programs, such as client application software or "program" 201... may be "loaded" (i.e., transferred from fixed storage116 into memory 102) for execution by the system 100". Retrieving software from a fixed location whether local storage or a repository via the web is neither novel nor an inventive element of the claimed invention. Furthermore, such teaching is currently employed in the industry.

Kirani also clearly teaches sending the multimedia message to the recipient (see rejection above). The element of "providing such software location for rendering the multimedia message (MM) which (said multimedia message) is directly sent to the recipient", as recited on page 12 of the Arguments, is not taught by either Kirani or Beyda alone, but the combinational teachings of Kirani and Beyda. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument of combining Beyda and Kirani, and the couple of scenarios given on page 12-13 of the Arguments, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Kirani teaches of a system wherein a device with less than normal processing power receives a URL (network address of a repository) where an attachment of an electronic mail is saved, in response to the mail server determining that sending the attachment to the remote device can be "burdensome or overwhelming", and therefore allows the user to retrieve a multimedia attachment via the URL. Beyda teaches of software downloadable for "operating the supported devices" which is retrieved via a network address (URL).

Clearly the combinational teachings result in a recipient receiving a message containing a URL or network address for "software obtainable by the receiving terminal" so that the recipient may render the multimedia attachment. The additional teachings (additional limitations of the reference) of where the multimedia attachment travels (i.e., storage or repository) between the server and the recipient are irrelevant to the claimed invention (broader limitation). It is noted that the features upon which applicant relies (i.e., "MM is sent to the recipient **directly** and not stored on a remote location") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

September 30, 2005

SALEH NAJJAR
PRIMARY EXAMINER